

EXHIBIT 2

FACT FINDING CONFERENCE

Verbatim transcript of the Investigation
of the Employment Opportunity
Discrimination Complaint of:

Ruthie L. Windsor

Agency Docket No.: ATL04AR0336E

June 23, 2004

APPEARANCES

Before:

Darryl A. Greene, Investigator-

Mediator

Department of Defense

Civilian Personnel Management

Service

Office of Complaint Investigations

Columbia Corporate Park I

8850 Stanford Blvd., Suite 3200

Columbia, MD 21045-4753

Complainant:

Ms. Ruthie L. Windsor

ORIGINAL

Enc 1

1 Complainant's Representative:

2 Deborah Hill Biggers
3 Attorney at Law
4 113 East Northside
5 Tuskegee, Alabama 36083

6
7 Agency Representative:

8 Major Richard Launey

9
10 Witnesses:

11 Ms. Ruthie L. Windsor
12 Lt. Col Keith Darrow
13 Ms. Glenda Sammons (CPAC)

14
15 Certified Court Reporter:

16 Ms. Shanell R. Williams
17
18
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25

PROCEEDINGS

THE INVESTIGATOR: Let the record begin at 8:32 on June 23, 2004, in the Fact Finding Conference discrimination complaint filed by Ms. Ruthie Windsor. This Agency Docket Number is ATL04AR0336E. I'm Darryl Greene, Investigator of Office of Complaints of Investigation Investigation with the Department of Defense. In accordance with 29CFR1614 to establish a record of relevant issues accepted for investigation and provide an opportunity for the parties to present their facts in the record.

Present at this time are the complainant, Ms. Ruthie Windsor; complainant's rep, Deborah Hill Biggers; agency rep, Major Richard Launey; Lieutenant Colonel Keith Darrow who is the management official. He will be present but will be excused when other witnesses testify. He may be recalled to provide further

1 testimony if new evidence makes it
2 necessary. Our court reporter is
3 Shanell Williams who will record the
4 verbatim testimony of the proceeding.

5 I will now administer the oath.
6 Please stand and raise your right hand.

7
8 (Witnesses were sworn in at this
9 time.)

10
11 THE INVESTIGATOR: Off the
12 record.

13
14 (Off-the-record discussion
15 held at this time.)

16
17 THE INVESTIGATOR: Back on the
18 record.

19 Do you acknowledge that you
20 have read and understand the Privacy
21 Act Notice?

22 MS. WINDSOR: Yes.

23 LT COLONEL DARROW: And I do as
24 well.

25 THE INVESTIGATOR: The notice of

1 acceptance dated 21 April 2004 states
2 that Ms. Ruthie Windsor alleges
3 discrimination based on her race, black,
4 and reprisal, and her previous EEO
5 activity when on August 20th, 2002,
6 Ms. Windsor, Lieutenant Colonel Darrow,
7 Director of Tech Support Directorate,
8 U.S. Army Aviation Technical Test Center,
9 and Colonel David Cripps, Commander
10 of the U.S. Army Technical Test
11 Center, did not warrant a promotion.

12 Is that an accurate summary of
13 your complaint?

14 MS. WINDSOR: That's correct.

15 THE INVESTIGATOR: For corrective
16 action, what do you want?

17 MS. WINDSOR: Attorney fees,
18 doctors' visits, postage and handling
19 and -- the mailing, and that's what
20 I'm -- let me read it all. Immediate
21 career lateral promotion into --
22 a Step 10 for a year with an effective
23 date of 1 May, 1988. GS-13 Step 10
24 retroactive to 1 May 1989. Monetary
25 award for receiving a Number 1

1 exceptional for the period 1 November
2 1999 through 31 October 2000. And
3 that my previous -- be changed to
4 reflect the number awards
5 exceptional with the highest monetary
6 award given for each to have following
7 the periods: 1 November 2000 through
8 31 October 2001; 1 November 2001
9 through 31 October 2002; 1 November
10 2002 through 31 October, 2003. And I'm
11 asking for a lump sum payment of
12 300,000. Restored sick leave and
13 annual leave. And I would like to be
14 reimbursed for unfair dismissal of my
15 EEO complaint. And that's it right
16 there.

17 THE INVESTIGATOR: Okay. Thank
18 you. In individual complaints of
19 discrimination, it is the
20 complainant's burden to first establish
21 a prima facie case of discrimination or
22 reprisal. Once established, the burden
23 shifts to management to articulate --
24 for its actions. Then the complainant
25 should articulate the reasons given

1 were, in fact, discrimination or
2 reprisal.

3 Management has no offer for
4 settlement?

5 MAJOR LAUNEY: I have confirmed
6 that there is no settlement offer
7 to make on this claim.

8 THE INVESTIGATOR: Okay. The
9 first witness is Ms. Ruthie Windsor.

10

11 *****

12

13 EXAMINATION OF RUTHIE L. WINDSOR

14 BY THE INVESTIGATOR:

15 Q State your name, please.

16 A Ruthie Lee Windsor.

17 Q What is your race?

18 A African American black female.

19 Q And have you filed or
20 participated in any EEO activity
21 previously?

22 A Yes.

23 Q When and what were the claims?

24 A On or about January of 2000, I
25 filed an EEO complaint due to the

1 additional duties not being incorporated
2 into my current position description, and I
3 also filed a sexual harassment complaint
4 that was sent up without an investigation
5 and appended to the first complaint. The
6 sexual harassment complaint was never
7 investigated. They just sent it up and put
8 it with the first one.

9 Q Okay. Please state your title,
10 series, and grade at the time.

11 A I'm currently working on the
12 title of IT Specialist Land Info Security
13 GS2210, GS-11 -- I mean grade 11.

14 Q How long have you been in this
15 position?

16 A Oh, I've been -- well, I've been
17 in the computer career field for 28 years,
18 so it's all computer.

19 Q How long have you held the GS-11
20 position?

21 A The GS-11 since 1988 or '89 -- on
22 or about '88 or '89.

23 Q And what organization are you
24 assigned -- were you assigned at that time?

25 A At this time?

1 Q At the time of your complaint.

2 A At the time of the claim, we
3 might have been the U.S. Army Aviation
4 Development Test Activity at that time.
5 I'm not sure, but I can research it and
6 give you that after. Because it's changed
7 through the years. It has changed. Now,
8 we're the Aviation Technical Test Center.
9 But during that time we might have been the
10 Aviation Development Center.

11 Q Okay. Provide the names and
12 titles of your first and second level
13 supervisors at the time of the claim.

14 A At the time of that particular
15 claim, my first level supervisor, if I
16 remember correctly, was Lieutenant Colonel
17 Darrow. Everything has changed. And then
18 it could have been Rob Stone. I think it
19 was Rob Stone. And he came on board as the
20 director, and he was like the second level
21 supervisor. "He" meaning Lieutenant
22 Colonel Darrow. I'm sorry.

23 Q Okay. What are the duties and
24 responsibilities of your position at the
25 time of the claim?

1 Q Why do you believe that?

2 A Because I have since -- I have
3 documentation showing that they did the
4 same things that they did before. They
5 sent two classifications up.

6 Q Two position descriptions?

7 A One -- this one.

8 Q Who is "they"?

9 A Colonel Cripps and Darrow, and
10 they're management. They sent the one up
11 that I provided input to and one up that I
12 did not provide input to. I have
13 documentation to prove it.

14 Q Okay. You're going to provide me
15 with that?

16 A We will, yes, sir.

17 Q And what did the documentation
18 say on the record?

19 A Oh, we was working with a Windsor
20 5 document. That's what I agreed to with
21 Cripps and Darrow. Okay? On the same --

22 Q What's the Windsor 5?

23 A It's the document.

24 Q Oh, it's the document.

25 A It's the job description.

1 Q Okay. The job description.

2 A And on that -- on this particular
3 same day that Colonel Cripps sent the
4 report up to the EEOC or whatever stated
5 that he was in compliance with the report
6 and that everything had been done and that
7 we were in compliance. On the same day
8 they had a Windsor Tif file sent up and
9 classified.

10 Q And you believe that was a
11 separate document?

12 A Yes. I believe that was a
13 separate document.

14 Q Did you see that document?

15 A No. I'm telling you now I didn't
16 see it.

17 Q Oh, you didn't see it, but you
18 think it was different from the original
19 version --

20 A Most definitely I believe that it
21 was different.

22 Q Now, do you believe others were
23 treated more favorably regarding this
24 matter, meaning were others given the
25 opportunity for promotion or promoted in

1 be higher than a GS-11, is my belief.

2 Q What was your performance rating,
3 if you remember, in 2002 -- that year?

4 A Let me give you some history
5 there. Okay. Prior to, even during the
6 year that I filed the complaint against
7 Larry Martin, I got a 1. Since -- okay.
8 Let me finish. Since Lieutenant Colonel
9 Darrow has become my second level
10 supervisor, I got a 2. It was lowered. I
11 questioned him about it: Why did my
12 performance rating drop from a 1 to a 2.
13 He said he didn't know. Until this day he
14 hasn't given me a legitimate reason for
15 lowering my performance grade.

16 Q Now, in the performance -- how is
17 your performance appraisal done? A 1 is?

18 A Is exceptional.

19 Q And 2 is what?

20 A Next to whatever is --

21 Q And what's satisfactory?

22 A I guess a 3. I'm not sure, but I
23 do know a 1 is exceptional.

24 Q A 3 is satisfactory, and 1 is the
25 highest?

1 Q Okay. All right. Ms. Windsor,
2 you also have testified that another reason
3 that you feel that you have been
4 discriminated against by the agency in
5 regard to the classification on your job
6 description is that you believe that there
7 were two files sent to CPAC for
8 classification; is that correct?

9 A That's correct.

10 Q And what were the names of those
11 two different files that were sent for
12 classification?

13 A Windsor 5 Doc and a Windsor Tif
14 file.

15
16 THE INVESTIGATOR: Now, the
17 Windsor 5 Doc you saw?

18 THE WITNESS: Yes.

19 THE INVESTIGATOR: The Windsor
20 Tif file you didn't see?

21 THE WITNESS: Uh-uh.

22 THE INVESTIGATOR: So you
23 don't know if it was sent -- you know
24 it was sent, but you don't know if
25 it was the same document or not.

1 But you suspected that it may be?

2 THE WITNESS: Yes. It's my
3 belief, yes.

4 THE INVESTIGATOR: So you
5 suspect that it's a different
6 document than what was sent -- the
7 other document, that Windsor 5?

8 THE WITNESS: Yes. Yes. It is
9 my belief that it was a different
10 document.

11 THE INVESTIGATOR: Now, why do
12 you believe it's a different document,
13 and why do you think they changed it?

14 THE WITNESS: I can see what's
15 in front of me. I've been working
16 with the Windsor 5 document. That's
17 what I've been working with.

18 THE INVESTIGATOR: And that's not
19 the document that was --

20 THE WITNESS: Yes. The Windsor 5,
21 yes, it is.

22 THE INVESTIGATOR: That is the
23 one, the Windsor 5. The Windsor.tif is
24 the one --

25 THE WITNESS: That I did not have

1 any input to.

2 THE INVESTIGATOR: Okay. Now,
3 the Windsor 5 you had input in and
4 that's the job that you're on now?

5 THE WITNESS: Yes, sir.

6 THE INVESTIGATOR: You have a
7 problem with that, right, or you don't
8 have a problem with that position
9 description?

10 THE WITNESS: Yes. I have a
11 problem with it, because I don't
12 believe it was graded out accurately.

13 THE INVESTIGATOR: Personnel
14 graded the -- classified that job,
15 right?

16 THE WITNESS: CPOC.

17 THE INVESTIGATOR: Yeah.
18 Management in the negotiated settlement
19 agreement, from what you told me
20 before, agreed that once you discussed
21 with management the duties that you
22 believed it would be sent to personnel
23 and they would classify the job?

24 THE WITNESS: That's right.

25 THE INVESTIGATOR: They

1 classified the job?

2 THE WITNESS: That's correct.

3 THE INVESTIGATOR: You don't
4 agree with the classification of
5 the job? That's what you're
6 saying?

7 THE WITNESS: If that's what
8 I'm saying, yes.

9 THE INVESTIGATOR: I'm asking
10 is that what you're saying. So
11 you're saying that you don't agree
12 with the classification of the job
13 that --

14 THE WITNESS: Yes. I don't.
15 I don't agree with the classification
16 of the job.

17 THE INVESTIGATOR: Okay. And this
18 is the -- and this is the position
19 description that you conferred with
20 management on?

21 THE WITNESS: Yes.

22 THE INVESTIGATOR: The factors
23 that management assigned duties that was
24 -- management admits that they did not
25 share the factors for the job

1 description -- factor level descriptions
2 and the position description -- position
3 description as a major responsibility.
4 That's like a narrative that -- talking
5 about the general -- and the factor
6 level descriptions that personnel needed
7 to grade out the different -- the different
8 factors to get a grade appointed for
9 particular responsibilities, like scope
10 of the job. And you didn't get to see
11 that portion?

12 THE WITNESS: No. The main issue,
13 according to the negotiated settlement
14 agreement, was that whatever job that
15 went up for classification I would be
16 provided an opportunity to provide
17 input. That did not happen, because we
18 worked with the Windsor 5. That's
19 the one I worked with management on.

20 THE INVESTIGATOR: And that was
21 sent up?

22 THE WITNESS: Yeah.

23 THE INVESTIGATOR: And that was
24 classified?

25 THE WITNESS: Exactly. But

1 management also sent another file up,
2 Windsor Tif, that they did not provide
3 me that opportunity, but they should
4 have.

5 THE INVESTIGATOR: But are you
6 on that Windsor Tif --

7 THE WITNESS: I haven't seen it.
8 I've been trying to get it.

9 THE INVESTIGATOR: But the
10 Windsor 5 you did have -- you
11 conferred with management on?

12 THE WITNESS: Exactly.

13 THE INVESTIGATOR: Personnel
14 classified -- and you have a
15 question about that grade, the
16 GS-11 that personnel classified?

17 THE WITNESS: Uh-huh. And I'm
18 also trying to find -- see, I was not
19 physically provided the opportunity
20 to provide input for the classification.
21 The one that we worked on was not the
22 only one that they sent up for
23 classification.

24 THE INVESTIGATOR: But that was
25 the only one that came back --

1 THE WITNESS: The Windsor Tif
2 -- I don't know. The Windsor Tif
3 came back. Somebody got it.

4 THE INVESTIGATOR: But the 5
5 -- the Windsor 5 is the position
6 description that --

7 THE WITNESS: Yes.

8 THE INVESTIGATOR: That's the
9 one that you conferred on and they
10 classified a GS-11, right?

11 THE WITNESS: Uh-huh.

12 THE INVESTIGATOR: You have
13 to answer out loud.

14 THE WITNESS: Yes. I'm sorry.

15 THE INVESTIGATOR: Okay.

16 Ms. Biggers, do you have
17 any more questions?

18 MS. BIGGERS: Well, I just want
19 to get some clarification.

20

21 EXAMINATION OF RUTHIE L. WINDSOR

22 RESUMED BY MS. BIGGERS:

23 Q You did not see the factors that
24 went with the job description on the
25 Windsor.5 document?

1 Windsor Tif file. I've been asking FOIA.
2 I've went to Rosaline.

3
4 MAJOR LAUNEY: Do you have any
5 documents that talk about the
6 Windsor Tif file?

7 THE WITNESS: Yes. I most
8 certainly do.

9
10 Q Let me just ask this question:
11 Is it your position that since the Windsor
12 Tif file was sent up around the same time
13 that the Windsor.5 doc file was sent up --
14 is it your position that the Windsor Tif
15 influenced the results or the
16 classification of the Windsor.5?

17 A I would say so. Because on that
18 same date, Colonel Cripps did his
19 compliance report, 3 June 2002, saying that
20 he was in compliance and that the position
21 description that we used was the Windsor.5.
22 On that same day Rosaline Taylor --

23 Q That's a personnel person?

24 A -- sent the Windsor Tif file up,
25 asked for a classification and that the

1 A Yes.

2 Q And if this goes too long and you
3 need a break, if you would, please indicate
4 to us, and I'm sure you would be allowed to
5 take a break. Is that okay?

6 A That's fine.

7 Q Do you have any medical
8 conditions or any problems that are causing
9 you difficulty understanding or answering
10 any questions here today?

11 A No.

12 Q I want to show you a document
13 that is entitled Position Description IT
14 Specialist GS2210, GS-11, and see if you
15 recognize that document.

16 A Yes, I do.

17 Q Okay.

18 A The same number as the one I'm
19 assigned to.

20 Q Okay. If you would, take a
21 minute. What I would like you to do is to
22 ensure for me that this is, first of all,
23 the document -- the position description
24 that you're currently working under.

25

1 MAJOR LAUNEY: And, sir, I would
2 ask that if we need to take a break
3 to allow her to thoroughly look at
4 that, I think that's important.

5 THE INVESTIGATOR: Let's have a
6 break. Off the record.

7

8 (A break was taken at this time.)

9

10 THE INVESTIGATOR: We're back on
11 the record at 9:44. We were off the
12 record for the complainant and
13 complainant's rep to review the
14 position descriptions submitted by
15 agency counsel.

16 Do you have questions?

17 MAJOR LAUNEY: Yes. Thank you.

18

19 Q Ms. Windsor, you have compared
20 the document -- I have just given you the
21 document of the position description
22 document that you referred to as Windsor 5?

23 A Yes.

24

25 MAJOR LAUNEY: And this Windsor 5

1 is going to be attached to the record
2 here?

3 THE INVESTIGATOR: Yes.

4
5 Q And are they the same?

6 A Yes.

7 Q And the position description that
8 you have read accurately describes your
9 position that you're working under right
10 now; is that correct?

11 A That's correct.

12 Q And it's correct to say that you
13 had the proper input into Windsor 5 that
14 was required under the settlement
15 agreement?

16 A Right. The position description,
17 yes.

18 Q And that procedure in which you
19 had input in the submission of Windsor 5
20 you have no complaints over, as it relates
21 to Windsor 5?

22 A Windsor 5.

23 Q And the position description that
24 you're currently working is accurately
25 reflected in the position description?

1 A Yeah. The position descriptions
2 are the same.

3 Q Okay. Now, under the settlement
4 agreement, it was CPOC's responsibility to
5 do the classification; is that correct?

6 A That's correct.

7 Q And from -- and Colonel Darrow
8 and Colonel Cripps had no role in the
9 classification decision at CPOC; is that
10 correct?

11 A As far as I know.

12 Q Now, I am not a computer expert.
13 You have worked with computers for how
14 long?

15 A 28 years.

16 Q Okay. My understanding is -- and
17 I may get this wrong, so correct me. If
18 you have something named -- a document
19 named .doc, that's a Word or Word Perfect
20 document usually?

21 A A Word Perfect?

22 Q Well, what's the difference when
23 you have a document that is labeled doc and
24 a document that's labeled tif?

25 A The .doc -- and the .tif is an

1 extension.

2 Q And what is the meaning usually
3 between those two?

4 A Well, one might be -- like you
5 say "save" -- the different formats.

6 Q And isn't it normally that a
7 document labeled .doc would be in a Word
8 format? And if something's in a Word
9 format, if you e-mail it to me, I can
10 change those words, right? I can make
11 changes?

12 A You can change the contents too.

13 Q Right. If you send me a document
14 in the doc form, I can manipulate the
15 language on that form, correct?

16 A Yes. Exactly.

17 Q Okay. And a tif format is a
18 photocopy, for the lack of a better word.
19 It's a picture. It's an image of the
20 document, correct?

21 A Exactly.

22 Q And if that's e-mailed, you can't
23 change the wording on that document
24 anymore; is that correct?

25 A That's correct.

1 Q So if what was submitted to
2 CPAC and what was -- to CPOC -- excuse me.
3 If the Windsor 5 document was copied
4 electronically, put into digital form, and
5 submitted to CPOC, it would be in
6 electronic digital format. As in an
7 electronic copy, it would be sent in a Tif
8 file, wouldn't it?

9 A Exactly.

10 Q And that couldn't be changed,
11 could it?

12 A Exactly.

13 Q So there would be even more
14 protection to make sure if tif -- if
15 Windsor Tif is a copy of Windsor 5, that
16 would be even more protection that it
17 couldn't be changed; isn't that correct?

18 A Exactly.

19 Q And you have not seen or you
20 don't know what Windsor Tif is?

21 A That's right. I don't know.

22 Q But as far as a comparison
23 between Windsor 5 which you said was -- and
24 your position description, they're the
25 same?

1 A Right. From what I just
2 compared, they're the same.

3 Q And other than the Windsor Tif
4 concern that you've expressed, you have no
5 other evidence or no other allegations of
6 wrongdoing by anyone in the agency
7 regarding your position description?

8 A You know it's ironic that they
9 could be the same in the -- and the tif
10 would be just a way to provide protection.
11 Why wasn't I able to get a firm answer?

12 Q Okay. But my question is, other
13 than the tif document -- was it the tif
14 versus doc or the Windsor submissions --
15 that's the only facts you have to support
16 your claim that there has been some
17 discrimination based upon your
18 classification description; is that
19 correct?

20 A That and these other duties that
21 we went through. The duties that we just
22 --

23 Q Okay. And so the other duties
24 that you referred to, but you're saying
25 your position description was accurate from

1 -- that's what you said.

2 A What we described and agreed to,
3 it matched.

4 Q Okay. Now, you've never gotten
5 an unsatisfactory rating; is that correct?

6 A Well, he lowered my performance
7 rating for no reason at all, just because
8 he could -- Lieutenant Colonel Darrow.

9 Q Okay. My question was, did you
10 ever get an unsatisfactory rating.

11 A What would you call an
12 unsatisfactory rating?

13 Q A rating below satisfactory.

14 A And satisfactory being 1, 2, or
15 3?

16 Q Well, you've talked about them --
17 if 3 is average, okay, and 4 is
18 satisfactory, okay --

19 A Below 3?

20 Q Yes.

21 A No. I've never gotten a
22 rating below 3.

23 Q And if you have a rating that's a
24 2, that's a higher performance -- you're in
25 a superior performance rating; is that

1 correct?

2 A Well, yes. You're higher.

3 Q I don't know. Pardon my
4 ignorance on that, but I'm not familiar
5 with what the numbers exactly match to, but
6 I am correct to say that that is a more
7 than successful rating; is that correct?

8 A Yes.

9 Q Okay. And you've provided all
10 the evidence that you have regarding the --
11 any potential damages that you've suffered
12 already in the document that you submitted?
13 That was all that you had?

14 A (Witness nods head.)

15 Q Okay. And that's all the
16 documents that you have in support of that,
17 correct -- all the evidence that you have
18 in support of those damages?

19 A In support of them?

20 Q Yes, ma'am.

21 A Yes.

22

23 MAJOR LAUNEY: I want to
24 have a second.

25 THE INVESTIGATOR: Off the

1 record.

2

3 (Off the record at this time.)

4

5 THE INVESTIGATOR: Let's go
6 back on.

7

8 Q Ms. Windsor, that's all I have.
9 Thank you very much.

10

11 LT. COLONEL DARROW: No. I don't
12 have any questions.

13 THE INVESTIGATOR: Well, I have
14 some questions for Lieutenant Colonel
15 Darrow.

16

17 EXAMINATION OF LT. COLONEL DARROW

18 BY THE INVESTIGATOR:

19 Q Please state your full name.

20 A My name is Keith Roberson Darrow.

21 Q And what is your race?

22 A Caucasian.

23 Q And what is your organizational
24 relationship to Ms. Windsor?

25 A Since May of 2002, I've been

1 assigned as the Director of the Test
2 Support Directorate out at ATTC. And for a
3 short time following my reassignment to
4 that directorate, I was Ms. Windsor's
5 immediate supervisor. And then following
6 the hiring for the division chief position,
7 that individual because my immediate
8 supervisor, and I have since served as her
9 senior rater. And I would believe that we
10 effected that change in January or February
11 of 2003.

12 Q Okay. What are the complainant's
13 job responsibilities?

14 A I would refer you to the position
15 description that's already apparently a
16 part of the record.

17 Q She's the IT Specialist GS2210,
18 GS-11, Computer Specialist?

19 A That's correct. Information
20 Technology with a focus, if you will, on
21 Information Security.

22 Q Information security. And who
23 assigns her work?

24 A Her supervisor and I are the ones
25 who determine what her duties should be.

1 that position in personnel?

2 A I don't. Although I have a vague
3 recollection of seeing a photocopy of that
4 e-mail that came back on the 2nd of July,
5 2002, and I think somebody named Trish sent
6 an e-mail. Well, there you go --
7 classified by Trish Hicks at the South
8 Central CPOC -- which at that time may have
9 been at Fort Benning, but at some point
10 they moved to Huntsville.

11 Q Have you ever talked to --

12 A Management doesn't have any
13 interaction with those folks at civilian
14 personnel. Everything we do is through
15 the local folks here at CPAC.

16 Q Are there --

17 A You know what? I need to take
18 that back. I just said management doesn't
19 have any interaction. Recently -- and this
20 is a new thing. On another position
21 description, somebody from CPOC did send me
22 a correspondence. At this time I certainly
23 did not have any contact with the CPOC
24 folks and have never had any contact with
25 CPOC until on this particular position

1 description.

2 Q So once you and Ms. Windsor or
3 management discussed this position
4 description, it went up to
5 classification -- I mean to personnel and
6 someone classified the job and brought it
7 back to --

8 A That's exactly right. From
9 management's perspective, it went into a
10 dark hole somewhere, and then we didn't see
11 it again, had no interaction with the PD
12 until it popped out on the 2nd of July.

13 Q Ms. Windsor believes that her
14 race and the fact that she participated in
15 a previous EEO complaint was a factor in
16 her -- in your decision not to promote her.
17 How do you feel about that?

18 A I am extremely hurt by that. I
19 think it's a hurtful accusation. It's
20 completely untrue. It's preposterous. I
21 think she knows that that is simply not in
22 my character. And I regret that Colonel
23 Cripps couldn't be here today in person.
24 He is a compassionate person who would
25 never do such a thing. And so I -- I

1 Q Could you just look at that
2 document and tell me if there were
3 evaluations attached to that?

4 A No, ma'am, I can't, not unless
5 it's in here.

6 Q Well, that was what my question.
7 Was --

8 A The evaluation is not reflected,
9 but it does have a statement here.

10 Q Now, that document that I just
11 handed you, on the front it says it was
12 classified by Fort Rucker, I believe?

13 A DCA: Fort Rucker.

14 Q What does that mean?

15 A Delegated Classification
16 Authority.

17 Q What does that mean? What does
18 that Fort Rucker DCA mean?

19 A This terms means that Fort Rucker
20 has the delegation classification
21 authority. That's a standard statement.

22 Q So does that mean that Fort
23 Rucker has the authority to do the
24 classification on that job position?

25 A Fort -- the DCA at Fort Rucker

1 has the authority to classify positions,
2 which they do the position and their
3 evaluation. The final say so on whether
4 it's classified correctly rests with CPOC.
5 That's when, if they disagree, they come
6 back with an advisory.

7 Q Now, so the -- on the document
8 that I gave you, it had Fort Rucker DCA.
9 Would Fort Rucker have done an initial
10 classification of that position before it
11 went to CPOC?

12 A They would have done their
13 classifications of the duties and an
14 evaluation.

15
16 MAJOR LAUNEY: Let me -- because
17 I think we need to be fair most of all
18 to the system. My understanding is
19 that the Fort Rucker DCA that was
20 found on this particular case -- but
21 that the actual classification was
22 done by Trish Hicks and because of a
23 typographical error when it was
24 first submitted, it had Fort Rucker
25 DCA.

1 there?

2 A Transmitted electronically.

3 Q Okay. When -- and I would assume
4 that the position description would be an
5 attachment -- electronic attachment to an
6 e-mail?

7 A It would be electronically
8 attached to an RPA.

9 Q To the RPA. Okay. Do y'all
10 submit Word documents, or do you submit
11 scanned copies of a document?

12 A It depends on who's doing -- who
13 the POC is and how they attach it.

14 Q It could be either way?

15 A The preferred way is --

16 Q Okay. Or it could be what we
17 call a Tif file where you have Windsor,
18 dot, t-i-f?

19 A It could be scanned.

20 Q And that's what a Tif file is?

21 A Tif is a scanned file.

22 Q So you just take a Word document
23 and you electronically turn it into an
24 electronic copy; is that correct?

25 A Well, you can attach it from --

1 directly from a Word file. Like if you
2 needed it in Microsoft Word and you saved
3 it, you could attach that Word document.

4 Q Or you could make a scanned copy
5 of the document?

6 A Or you could take that document
7 and scan it and attach it.

8 Q And there's no difference to the
9 contents of those two documents; is that
10 correct?

11 A No.

12 Q One's just a scanned copy of the
13 Word document?

14 A Correct.

15 Q That's all I have.

16

17 THE INVESTIGATOR: Thank you, Ms.

18 Sammons.

19 MS. SAMMONS: You're welcome.

20 THE INVESTIGATOR: Off the record.

21

22 END OF PROCEEDINGS.

23

24

25

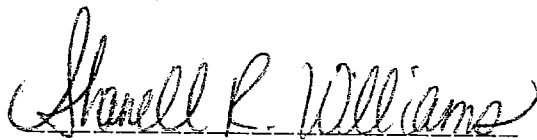
1 STATE OF ALABAMA

2 HOUSTON COUNTY

3 I, Shanell R. Williams, Court Reporter
4 and Notary Public, State at Large, do hereby
5 certify that the foregoing transcript, pages
6 1 through 131 is a true and correct transcript
7 of the testimony and proceedings taken at
8 said time and place; and that the same was
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12 I further certify that I have no
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21 Witness my hand this 13th day of July,
22 2004.

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24 Shanell R. Williams,
25 Court Reporter and
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